

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEOLOGIC COMPUTER SYSTEMS, INC.
a Michigan corporation,

Plaintiff,
v.

JOHN D. MACLEAN, et al.,

Defendants.

Case No. 2:10-cv-13569
Hon. Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

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Faith M. Gaudaen P59469
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AMW Group, LLC, Mark Williams and
Alan Williams*

**PLAINTIFF GEOLOGIC COMPUTER SYSTEMS, INC.'S RESPONSE TO
DEFENDANTS' EX PARTE MOTION FOR LEAVE TO FILE A SURREPLY**

**PLAINTIFF GEOLOGIC COMPUTER SYSTEMS, INC.’S RESPONSE TO
DEFENDANTS’ EX PARTE MOTION FOR LEAVE TO FILE A
SURREPLY**

NOW COMES Plaintiff Geologic Computer Systems, Inc., by and through its attorneys, KEMP KLEIN LAW FIRM, and for its Response to Defendants’ Ex Parte Motion for Leave to File a Surreply states as follows:

1. In response to Paragraph 1 of Defendants’ Ex Parte Motion for Leave to File a Surreply, Plaintiff admits that it filed its Reply in Support of Plaintiff’s Motion for Contempt (“Reply”) on May 29, 2018.

2. In response to Paragraph 2 of Defendants’ Ex Parte Motion for Leave to File a Surreply, Plaintiff admits that there were 10 exhibits to its Motion.

3. In response to Paragraph 3 of Defendants’ Ex Parte Motion for Leave to File a Surreply, Plaintiff admits that it included an affidavit and an email in its Reply. However, as those exhibits contained details of actions taken by the Defendants, Defendants were fully aware of those details before they filed their Response.

4. In response to Paragraph 4 of Defendants’ Ex Parte Motion for Leave to File a Surreply, Plaintiff states that the Defendant’s contention that the court should allow them to file a surreply utterly lacks merit. The authority that the Defendant relies upon to support this contention, *Seay v. TVA* 339 F.D 454 (6th Cir. 2003), pertains to motions under Federal Rule of Civil Procedure 56(c), which is not

implicated in this instance; the present matter has absolutely nothing to do with Federal Rule of Civil Procedure 56(c). Moreover, the other case the Defendant cites in their motion, *Wilcoxson v. Brothers*, 2016 WL 4119802, (E.D.Mich. 2016), actually supports the plaintiff's position, as the court expressly rejects an analogous argument to the one the Defendant is asserting. "[T]he Court is hard-pressed to find any merit to the substance of Plaintiff's argument in any event." *Wilcoxson v. Brothers*, 2016 WL 4119802 at 3, (E.D.Mich. 2016). (Holding that a surreply was not appropriate when Plaintiff introduced additional arguments in their reply).

5. In response to Paragraph 5 of Defendants' Ex Parte Motion for Leave to File a Surreply, Plaintiff states that there is no need for additional briefing of this motion. Defendants have had ample opportunity to argue this motion already.

6. In response to Paragraph 6 of Defendants' Ex Parte Motion for Leave to File a Surreply, Plaintiff states that there is no need for additional briefing of this motion. Defendants have had ample opportunity to argue this motion already. Further, the fact that Defendants want to include additional exhibits, would only mean that Plaintiff would need to be allowed to respond to Defendants' Surreply.

7. In response to Paragraph 7 of Defendants' Ex Parte Motion for Leave to File a Surreply, Plaintiff neither admits nor denies when Defendants would file.

8. In response to Paragraph 8 of Defendants' Ex Parte Motion for Leave to File a Surreply, Plaintiff admits that it denied Defendants' request to be allowed to file a surreply, as additional briefing is not necessary in this matter.

WHEREFORE, Plaintiff Geologic Computer Systems, Inc. requests that this Honorable Court deny Defendants' Ex Parte Motion for Leave to File a Surreply, and set an immediate hearing on Plaintiff's Motion for Entry of an Order of Contempt for Violation of an Injunction and Entry of an Order Enforcing Settlement Agreement.

Respectfully submitted,

KEMP KLEIN LAW FIRM
Attorneys for Plaintiff

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Dated: June 12, 2018

Certificate of Service

I hereby certify that on June 12, 2018, I electronically filed the Plaintiff Geologic Computer Systems, Inc.'s Response to Defendants' Ex Parte Motion for Leave to File a Surreply with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record

/s/ Brian H. Rolfe
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Alan Williams*

**BRIEF IN SUPPORT OF
PLAINTIFF GEOLOGIC COMPUTER SYSTEMS, INC.'S RESPONSE TO
DEFENDANTS' EX PARTE MOTION FOR LEAVE TO FILE A SURREPLY**

NOW COMES Plaintiff Geologic Computer Systems, Inc., by and through its attorneys, KEMP KLEIN LAW FIRM, and for its Brief in Response to Defendants' Ex Parte Motion for Leave to File a Surreply, relies upon the foregoing Response.

Respectfully submitted,

KEMP KLEIN LAW FIRM
Attorneys for Plaintiff

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